

WATER POLLUTION CONTROL AUTHORITY

# Town of Trumbull

CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

## MINUTES

### Water Pollution Control Authority September 22, 2010

#### In attendance:

Jeanine Maietta Lynch, Chairman  
Paul Kallmeyer, Vice Chairman  
Ennio DeVita  
Laura Pulie  
Karen Egri, Alternate (voting)

#### Also In Attendance:

Joseph Solemene, Assistant WPCA. Administrator  
Stephen M. Savarese, PE/LS, Town Engineer  
Timothy M. Herbst, First Selectman (arrived at 8:10)  
Daniel Nelson, Chief of Staff (arrived at 8:15)  
John Marsilio, Director of Public Works  
Dennis Kokenos, Esq., Town Attorney (arrived at 7:35)  
Fred Mascia, Tighe & Bond, Project Manager  
John Block, Tighe & Bond, Principal-In-Charge  
John Braccio and Christine Kurtz, Wright-Pierce  
John Braccio and Christine Kurtz, Wright-Pierce

Jeanine Maietta Lynch, Chairman, called the meeting to order at 7:30 p.m.

The Chairman stated that in the absence of Commissioner Jack Goncalves Commissioner Karen Egri will be voting.

The Chairman acknowledged the residents in attendance and invited them to speak and made a motion to allow public comment and discussion.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner KALLMEYER) to open the floor for public discussion. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

No one came forward.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner PULIE) to close the public comment portion. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

#### **MINUTES TO PREVIOUS MEETING:**

- July 28, 2010 Meeting Minutes – comments from Commissioner Kallmeyer regarding arbitration wording on page 4.

MOTION made (Commissioner KALLMEYER) 2<sup>nd</sup> (Commissioner DeVITA) to approve the minutes of July 28, 2010 as stated. No discussion. FOUR IN FAVOR, ONE ABSTENTION (EGRI). MOTION CARRIED.

- September 1, 2010 Special Meeting Minutes – Commissioner Kallmeyer – requested the following amendment on page 2 after the words “on how bonding was handled” to add in the following: he noted that the WPCA had asked the Board of Finance for \$30,000,000 when he approached them for the low bid construction monies.

MOTION made (Commissioner KALLMEYER) 2<sup>nd</sup> (Commissioner LYNCH) to amend special meeting minutes of September 1, 2010 on page 2 after the words “on how bonding was handled” to add in the following: he noted

that the WPCA had asked the Board of Finance for \$30,000,000 when he approached them for the low bid construction monies.

Discussion followed. **FOUR IN FAVOR, ONE ABSTENTION (DeVITA). MOTION CARRIED.**

**PROGRESS REPORT:**

Fred Mascia of Tighe and Bond gave the following report:

The contractor has been working on Skyview Drive, Hillandale Terrace, Booth Hill Road and continues work on Shelton Road. Shelton Road is very slow work and they are in a section of a trench that is 28 feet deep and there is 26.5 feet of rock. Some days there is just blasting in that area. Hopefully by the middle of next week they will be at the manhole at Golden Hill and can make the turn and connect the section of Golden Hill that was constructed previously. Other crews are working in the Booth Hill area and will probably be finished in the next week to ten days and then they'll work on Round Ridge Trail and then move up and continue work on the upper part of Booth Hill Road, and probably start work on Hunters Lane, Blue Ridge, MacDonald Road. One of the crews when they're done with Booth Hill Road will start the cross country sewer that runs between Booth Hill Road and Huntington Turnpike. That's probably the work that will be done in the next month or so. Lateral crews continue to work and Skyview Drive is done so they will be working on those laterals. Paving crews come one to pave on an as needed basis and drilling crews on an easement from Booth Hill to 108 and any other areas they continue to work on. Once Golden Hill is connected on the Shelton Road side they'll come down and do Powdermill Lane. They have a meeting tomorrow with the contractor to discuss where he's going towards the end of October.

Commissioner DeVita inquired about how the contractor is responding to Tighe & Bond's presence on the job and Fred Mascia stated fairly well and all activities are being monitored. He also discussed Requests for Services and how the responses to the requests work.

**INVOICE APPROVAL:**

Mark IV Construction Co., Inc., Phase IV, Part B – Contract 4 – North Nichols Project, Application #13 in the amount of \$596,392.90. Commissioner DeVita wants the company of each signer on the invoice identified.

Item #68 the trench excavation-rock was discussed and is at 73% and Fred Mascia stated the rock quantity of 38,000 will be exceeded. Item #31 trench dams have not been installed yet.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner PULIE) to approve Application number 13 in the amount of \$596,392.90. Discussion followed. **ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.**

**OLD BUSINESS:**

**Wright-Pierce – Update**

John Braccio and Christine Kurtz were present and John Braccio addressed the Commission and highlighted the waste water study and the design rates they are using on the average daily flow. They are in the process of pricing out the various components that would be associated with a facility that would handle those types of flows including a treatment plant that would be located on Quarry Road, the west side pump station to convey waste water from the west side of Trumbull over to that location and then connections from existing sewer system in the Beardsley pump station to this treatment plant. One of the criteria that will establish the level of treatment that is necessary for the water quality requirements from the DEP so they provided the DEP with locations they are proposing for possible discharge and then DEP is supposed to provide them with the discharge standards. That will allow them to finalize the overall concept of what a treatment would be. That information was submitted to the State in July and they not received any feed back yet. They intend to submit a draft report probably towards the end of October and they also did some preliminary evaluation of potential regionalization issues.

They are also working on the I/I study to satisfy the notice of violation requirements for wet weather flows. They have confirmed that there is a lot of I/I spread out through the system with more on the east side than on the west side. There is some uncertainty on some of the sewer sections and sub-basins as to which way they flow so they are in the process of resolving that. The next step is the sewer system evaluation survey and try to locate the defaults in

the system. To do the whole system would be in excess of \$750,000.00 and they suggested a phase approach. They contacted the State and are waiting for feed back from them is they would approve that and fund it in a phase approach and if it qualifies for grant funding. He confirmed the potential grant fund is 55% and he believes the DEP would accept phasing. He also suggested the Commission form a subcommittee. Commissioner Lynch pointed out the \$750,000.00 is just for the study and not for the actual work to correct problems. He confirmed that the grant money is used for the SSES only and the loan money is at 2% interest. He summarized different approaches and phased studies and work.

#### Forensic Audit Update

The Chairman made sure all the Commissioners and WPCA staff received a copy of the forensic audit.

#### Tighe & Bond Value Engineering Report

The report was included in each Commissioner's packet. Fred Mascia was asked to give a summary of the report. Included in the report is a map that shows the overall area of Contract 4 and it also shows the area of sewers that have been constructed. So they based the report on areas that have not been constructed yet to see where money could be saved and he identified three areas. Area one North Stowe, Teeter Rock and easement between Teeter Rock and Dogwood. In that area if four residents are put on pump systems in lieu of gravity systems roughly 1,800 feet of sewer work could be raised two to six feet which would result in a net savings of the sewer construction and rock excavation of about \$300,000.00, with an estimated \$10,000.00 per pump systems with the net savings in that area being about \$263,000.00. Area two from Red Fox Lane down to Dogwood, with a couple cross country easements. There is about 1,000 feet of 8 to 10 inch line if that could be raised 4 to 6 feet that could save about \$115,000.00. Area three is a smaller area on Teeter Rock and Huntington Turnpike. Raising roughly 450 linear feet of sewer would save about \$75,000.00. The total saving from these areas could be about \$450,000.00 in construction costs based on the bid prices in Contract 4. Costs would be incurred for these changes and would be deducted from the savings.

#### Talat Fattaha, 52 Colonial Drive

Talat Fattaha was present and she requested to be able to connect to the manhole that is in front of her house. She provided the Commission with plans she had designed by an engineer. She indicated she does not want to pay the assessment because she is paying a connection fee and the Town is not installing an additional manhole. Chairman Lynch asked Joe Solemene to fill the Commission in as to conversations and she also stated the Commission has been waiting for plans before a vote with respect to approving the plan and there would be a connection fee and a full assessment. Joe Solemene stated she has submitted a plan and if the Commission agrees with the assessment amount and Steve thinks the plan will work this could go forward. The assessment would be \$14,288 and Mrs. Fattaha indicated she objects to the amount and does not want to pay it. She does not believe she should have to pay an assessment and she only wants to pay a connection fee. Steve Savarese reviewed the plan from said it is feasible to serve this house by gravity to the existing systems and he would like to see some additional information on the plan. For example a clean out is missing. Commissioner DeVita wants the 90 degree angles changed to 45 degrees, an easement and an "as built". Chairman Lynch asked if she wanted to do this and again advised her that the assessment will be assessed in full plus the connection fee. Mrs. Fattaha again said she does not want to pay all that money but she wants to connect. Attorney Kokenos pointed out that the Town would be giving the easement and it is in reverse so in addition the easement is worth something. He reiterated that the Commission will potentially let her to tie in but she would have to pay the full assessment and the connection fee and potentially an amount for the easement that she would be getting. Attorney Kokenos asked her if she had to pay the full assessment and connection fee does she still want to tie in with the system. She said it would depend on much it would cost. Attorney Kokenos will put everything in writing for Mrs. Fattaha so that she can have it reviewed by her lawyer and next month she can come back and advise the Commission in writing of what she wants to do. He also stated he needs to know if she is okay with the assessment as Joe Solemene has set forth and if she is okay with

the connection fee as Joe has set forth and what are the conditions of the WPCA to allow her to hook up with conditions.

MOTION made (Commissioner PULIE) 2<sup>nd</sup> (Commissioner KALLMEYER) to approve the request of Talat Fattaha, 52 Colonial Drive, to connect to the sewers with the following conditions:

The Commission set the following conditions:

- Submit revised plan that eliminates all 90 degree bends and use 45 degree bends
- Add clean outs at every bend
- Submit "as built"
- Post bond to make sure the shoulder area is put back the way it was prior to construction
- Document filed on the land records releasing the Town from maintaining the right of way area and that the WPCA is not responsible for maintaining or repairing the lateral
- Subject to the assessment in the amount of \$14,288.60
- Subject to a one time connection fee in the amount of \$1,750.00.

Discussion followed. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

#### Update- North Nichols pump station revisions

Dennis Kokenos stated he reviewed the easement and his concern was whether the map they referred to when they signed the easement took into account the utilities that were going to be there. The easement he reviewed didn't have anything. He just got a map that shows where the utility poles would be and he has to review it again and suggested this be tabled for now. Joe Solemene stated the original plan that went out to bid showed a design with overhead utilities. It was brought to the owner of the property and he didn't like the original easement or the overhead utilities and he had issues with the design and his concerns were brought to Spath-Bjorklund. The easement map that was approved by the owner does not show overhead utilities and the easement was relocated and that was the one that was approved. The Chairman reiterated that the original design plan had overhead, the final recorded easement has no overhead and that was what was signed by the Town. Joe Solemene explained the Commission took the homeowner's objection and they made the changes that he wanted in order to sign the easement. He said they did not change the redesign plan in the bid spec when it went out to bid. He also said the homeowner felt the original easement design would create problem with him developing the corner of the property if he wanted to build there so he asked for the redesign in order to free that parcel up. The Chairman questioned when it went out to bid if all the other bidders bid on overhead utilities based upon the design of the plan that was never changed except for the current contractor who bid knowing that it was underground. Steve Savarese stated he didn't think so he reviewed the dates on the map and it looks like February, 2009 was the bid map and then the revised map is dated July, 2009 and he thinks July 2009 it was under construction. Dennis stated he has what he needs to review everything and then give his advice to the Commission. Commissioner Pulie commented on the cost of this change and wanted to know if there was any discussion with the prior WPCA about the cost. Joe Solemene stated he thinks the feeling was it should have never been designed with overhead utilities in the first place because there are no overhead utilities in that area. Commissioner Kallmeyer described the utility easement in that area that runs between Nutmeg Drive and then parallel to Commerce Drive and he said maybe the easement should be renegotiated or condemned. Attorney Kokenos stated the homeowner signed the easement and the issue is what was bargained for within that easement and that is what he will be looking at and this should be tabled.

#### Motion to approve to CCR, LLP Invoice #7853

MOTION made (Commissioner KALLMEYER) 2<sup>ND</sup> (Commissioner LYNCH) to approve CCR, LLP Invoice #7853 in the amount of \$2,500.00 from the WPCA fund 20 retained earnings #20-315200 to professional services account #20100000-522202. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Easement – 449 Shelton Road

This item is scheduled in the Executive Session as item 6. 1

**NEW BUSINESS:**

Change Orders

The Commissioners' packets included a summary from Tighe & Bond of all change orders including, approved, pending and denied change orders. Fred Mascia suggested a special meeting be scheduled for the change orders. He also stated about 50% of the total pipe length on the project has been installed. Commissioner Kallmeyer suggested Fred give his opinion in regard to March and April for the next meeting. Discussion took place regarding chimney failure and replacement on Shelton Road. Discussion included the different types of chimneys that were installed. He also stated the change to use different chimneys was approved by the Town. All chimneys that are being installed now and the six that were replaced on Shelton Road are pre-cast concrete. The Chairman asked if the original plan design seems to be failing within 2 to 3 months after installation and so these change orders are based upon that failure and the correction. Fred indicated the \$45,000.00 is for the six chimneys that were replaced and they were not installed according to the plan. They were installed to a revised detail that was given to the contractor from the Town. It was questioned whether or not there will be more that need to be replaced and Fred stated he does not know the number of chimneys that were installed prior to Tighe & Bond being involved. The chimneys that have been replaced are in an area with very deep rock cuts. For the special meeting Commissioner DeVita wants specifics of how it was built and who approved.

Motion to approve the WPCA match for the Wright Piece study, D.E.P. Clean water Fund Grant

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner KALLMEYER) to approve the WPCA match for the Wright Pierce study, D.E.P. Clean Water fund grant in the amount of \$1,175.00 from the WPCA fund 20 retained earnings #20-315200 to professional services account #20100000-522202. No Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Discussion – hiring of an outside accountant to determine the value of the WPCA #59 Account

The Chairman stated she believes an accountant is working on this and a report should be available at the end of December, 2010.

First Selectman Tim Herbst informed the Commission that Maria Pires performed an initial overview and preliminary assessment of the 59 account and the Town has auditors that work for the Town auditing every account on an annually. The auditors have been told the Town wants the 59 account closely scrutinized and looked at in addition to everything else that is being audited. If the WPCA want a separate audit exclusively of the 59 account they would have to make that decision. He thinks a separate analysis is a good thing.

MOTION made (Commissioner KALLMEYER) 2<sup>nd</sup> (Commissioner ENGRI) to have staff prepare a RFQ so the Commission could hire an independent audit of the #59 account. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The First Selectman stated for clarification purposes it will be funded from the 20 account and will require Board of Finance and Council approval.

Discussion – Review of RFQ for on-call engineering and inspection services and possibly expand the RFQ to completed work on Contract 3 Jog Hill sewer expansion project.

Public Works Director John Marsilio addressed the Commission regarding the RFQ. The RFQ deals with the latent defects of Contract 3, the recommended remediation for Contract 3 and the cost estimate for the same. This would be a task order added to the already negotiated contact with Tighe & Bond. The Town has an estimate from Tighe & Bond for their services for reviewing all the camera testing, videos, examining all cut into the roadways that the Town's Highway and Engineering Departments and from complaints from residents and have offered a solution to

fix these problems. Mr. Marsilio said the Town has estimate is in the amount of \$57,000.00 for Tighe & Bond's work and we would also require some core testing and perhaps some excavation and repair of test pits would require some compaction testing and soil analysis. Chairman Lynch stated this would give the Town a better understanding of the scope of the blatant defects as well as a projected amount that it may cost the Town to fix and/or give direction as to how to fix it and who is responsible for fixing it.

Mr. Marsilio stated it is intended to develop a program to address the remediation efforts and quantify what the costs will be and identify why the blatant defects occurred. The Commission also has to decide how it would be paid for and where the money would come from. The First Selectman's recommendation was for the Commission to determine a course of action. Commission Kallmeyer inquired whether or not the Town would consider paying any portion of this and it could be assigned to the Town's engineers to avoid this cost to the WPCA. First Selectman Herbst referred to the forensic audit and there is a need to ascertain the full extent of the defects and the costs of repairing those defects so a determination can be made of the following:

- How are we going to pay
- Should the defects costs be fact on to the residents of Contract 3 through a supplemental assessment
- Should it be a cost bore by the entire Town
- Should it be a cost born by the contractor or any other party that was responsible for causing those defects?

He pointed out the forensic said we did not have an adequate number of inspectors on the job and we also did not have people working for the Town who had experience dealing with projects of this size. He believes having a third party that was not involved in the administration of Contract 3 works to the Town's benefit. It's the Commission's decision to decide who is going to pay. First Selectman Herbst said he would go before the Board of Finance if the Commission decides to use money from the general fund and make it clear he believes it is necessary. Comments made by the Commission included the Town made the mistakes and should be take responsibility not the people in Contract 3. The Commission agreed to set up a special meeting.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner KALLMEYER) to move the motion to approve the funding in the amount \$15,000.00 as a retainer to the law firm of Owens, Schine & Nicola, P.C. for legal services provided to the WPCA on Contract 4 North Nichols from WPCA fund 20 retained earnings #20-315200 to professional services account #20100000-522202 until after the executive session. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### **EXECUTIVE SESSION:**

It was agreed to separate the Executive Session and to take WPCA Regionalization first.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner EGRI) to close the regularly scheduled meeting for September 22, 2010 at 9:30 p.m. and move to go into Executive Session at 9:30 p.m. to discuss with the Town Attorney strategy and negotiations with respect to the first order of business on the Executive Session which is the WPCA Regionalization. Discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The room was emptied except for the parties directly involved, staff, Commissioners, Attorney Kokenos, First Selectman, Chief of Staff Dan Nelson, and John Marsilio. The recorder was turned off and the Clerk also left the meeting.

The Clerk was called back into the room and the recorder was turned on.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner PULIE) to close the Executive Session at 10:45 p.m. for the discussion on the WPCA Regionalization and to state for the record that no vote was taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner KALLMEYER) to reopen at 10:46 p.m. the regularly scheduled meeting of the WPCA for September 22, 2010. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner EGRI) to go into the WPCA Executive Session at 10:48 p.m. to discuss with the Town Attorney strategy and negotiations with respect to pending litigation as defined by 1-200(6) and/or to discuss attorney client-privileged information as set forth by 1-210 relating to the following:

1. Shelton Road – Easement Procurement – executive session
2. Permit Application and Approval – executive session
3. Request for Installation of Sanitary Sewer System Items – executive session.

No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The room was emptied except for the parties directly involved, staff, Commissioners, Attorney Kokenos, First Selectman, Chief of Staff Dan Nelson, and John Marsilio. The recorder was turned off and the Clerk also left the meeting.

The Clerk was called back into the room and the recorder was turned on.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner KALLMEYER) to close the executive session at 12:05 a.m. with regard to the WPCA and the potential pending litigation and to state that no vote was taken. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner EGRI) to reopen at 12:07 a.m. the regularly scheduled meeting of the WPCA of September 22, 2010. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Commissioner KALLMEYER) 2<sup>nd</sup> (Commissioner LYNCH) to compensate the owner of 449 Shelton Road \$1,500.00 for easement acquisition. No discussion. ALL ON FAVOR. MOTION CARRIED UNANIMOUSLY.

MOTION made (Commissioner LYNCH) 2<sup>nd</sup> (Commissioner EGRI) to adjourn the regularly scheduled meeting of September 22, 2010 at 12:10 a.m. No discussion. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Submitted by,

*Joyce Augustinsky*  
Clerk of the Commission